

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

AUSTIN O'TOOLE, JR. §
Plaintiff. §
 §
v. § CIVIL ACTION NO: _____
 §
THE CHURCH OF JESUS CHRIST §
OF LATTER DAY SAINTS §
Defendant. § JURY DEMANDED
 §

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Austin O'Toole, Jr. ("Plaintiff") brings this Original Complaint to compel the Church of Jesus Christ of Latter Day Saints (hereinafter the "Mormon Church") to permanently remove his name from their records. Plaintiff is a Resident of Texas. The last three digits of Plaintiff's Texas Driver's License are 598.

A. Nature of the Action

1. The First Amendment guarantees a citizen of the United States freedom of religion.

2. Defendant Mormon Church violated the First Amendment rights of Plaintiff when they refused, and continue to refuse, to remove Austin O'Toole, Jr.'s name from their records. Accordingly, Austin O'Toole, Jr. brings this Original Complaint to compel the Mormon Church to permanently remove his name from their records.

B. Jurisdiction and Venue

3. This Court had jurisdiction over the subject matter of this action.

4. Venue is proper in this district because the parties are residents of different states. Plaintiff is a resident of Texas and Defendant (the Mormon Church) is a corporation chartered in the State of Utah.

C. The Parties

5. Plaintiff Austin O'Toole, Jr. is a resident of Houston, Texas. He has resigned his membership with Defendant effective October 21, 2009.

6. Defendant, Mormon Church, is a corporation chartered in the State of Utah.

7. The Mormon Church can be served through its registered agent Robert C. Hyde whose place of business is: 60 E South Temple, suite 1800, Salt Lake City, UT 84111 by United States Marshall.

D. Facts

8. Plaintiff joined the Mormon Church on June 17, 2006, after Mormon Missionaries misrepresented the doctrines of the Mormon Church. He met with Elders Jeffers and Pacini and was baptized by Elder Jeffers. Brother Kelly Foss (Second Counselor of Bishop Scott R. Peterson) witnessed the baptism. Bishop Peterson's First counselor was Bill Moore (the famous real estate agent with Remax). Bishop Peterson was administering the Braes Bayou Y.S.A. ward out of the Mormon building at 1101 Bering Drive 77057 - north of San Felipe. Peterson was also serving under Mormon Stake President Giff Nielson (formerly of the Houston Oilers). In 2006, Plaintiff was living in the geographic area of the Memorial Park Ward (ward unit #157007) (1101 Bering Dr. 77057) under Bishop Jim Harris. However, Plaintiff was placed in the Y.S.A. regional ward because he was in his early thirties.

Plaintiff, however, after continuing his own self study research, realized that the Mormon Church was false and nothing more than a cult. He concluded that the Mormon Church is determined to control the lives of its members. Plaintiff objects to the following Mormon doctrines:

- (1) the "Word of Wisdom" dietary restrictions
- (2) Prohibition on spending money on Sundays
- (3) the belief that only the "Prophet" Thomas S. Monson has the right to exercise "priesthood keys" (priesthood keys are like authority to perform religious services and this doctrine is simply a refusal of the Mormon Church to recognize the legitimacy of other religions)
- (4) the belief that Lucifer is the "God of this World"
- (5) the requirement to wear long-john style Mormon underwear at all times
- (6) the belief that the Roman Catholic Church is the "Great and Abominable Church of Scarlet of the Gentiles"
- (7) refusal of the Mormon Church to produce photographs or transcripts of the original book of Mormon
- (8) the use of white clothing and shoes to be worn in Mormon Temples - which places an undue burden upon members to have spotless white clothing which usually can only be worn once
- (9) the belief that members do not need to know the truth and someone else should make most decisions for them
- (10) and the belief that **polygamy is a commandment.**

Plaintiff objects to the general secrecy of Mormon members, witness any Mormon member would deny all the doctrines above, even though they know they are true. Mormons practice secrecy and deception as if they were sacraments. Plaintiff believes in freedom of thought and freedom of religion, which are both incompatible with Mormonism.

The First Presidency (aka Thomas S. Monson - "The Prophet") requires that all Mormon members who want to enter a Mormon temple be issued a "Temple Recommend Card". To receive one of these cards, all members are required to **correctly** answer the following fifteen (15) questions. This is a clear violation of the First Amendment.

(Q-1) Do you have faith in and a testimony of God the Eternal Father, His Son Jesus Christ, and the Holy Ghost?

(Q-2) Do you have a testimony of the Atonement of Christ and of His role as Savior and Redeemer?

(Q-3) Do you have a testimony of the restoration of the gospel in these the latter days? (the one true church was restored by Joseph Smith)

(Q-4) Do you sustain the President of the Church of Jesus Christ of Latter-day Saints as the Prophet, Seer, and Revelator and as the **only person on the earth** who possesses and is authorized to exercise all

priesthood keys? Do you sustain members of the First Presidency and the Quorum of the Twelve Apostles as prophets, seers, and revelators? Do you sustain the other General Authorities and local authorities of the Church?

(Q-5) Do you live the law of chastity?

(Q-6) Is there anything in your conduct relating to members of your family that is not in harmony with the teachings of the Church?

(Q-7) Do you support, affiliate with, or agree with any group or individual whose teachings or practices are contrary to or oppose those accepted by the Church of Jesus Christ of Latter-day Saints? (This would include The Community of Christ [Restored LDS Church] founded by Emma Smith or any Freemason Lodges)

(Q-8) Do you strive to keep the covenants you have made, to attend your sacrament and other meetings, and to keep your life in harmony with the laws and commandments of the gospel?

(Q-9) Are you honest in your dealings with your fellowmen?

(Q-10) Are you a **full-tithe** payer? (ten percent [10%] of all income)

(Q-11) Do you keep the **Word of Wisdom**? (significant dietary restrictions)

(Q-12) Do you have financial or other obligations to a former spouse or children? If yes, are you current in meeting those obligations?

(Q-13) If you have previously received your temple endowment:

(Q-13a) Do you keep the covenants that you made in the temple?

(Q-13b) **Do you wear the garment both night and day** as instructed in the endowment and in accordance with the covenant you made in the temple? (the "garment" is the long-john style Mormon underwear)

(Q-14) Have there been any sins or misdeeds in your life that should have been resolved with priesthood authorities but have not been?

(Q-15) Do you consider yourself worthy to enter the Lord's house and participate in temple ordinances?

9. Plaintiff wrote a resignation letter and mailed it to Membership Records in Salt Lake City, Utah. Membership records refused to honor the letter and sent a letter to Plaintiff claiming the matter had to be taken up with local leaders (see Exhibit "W"). Plaintiff met with "Bishop" Nicholas A. Rodriguez (Spring Ward) who said he would complete the form "request for administrative action" and forward it to the Stake President. (Mormon "bishops" have little religious training, but usually work Monday through Friday as businessmen)

Rodriguez never forwarded anything to the Stake President. Six months later Rodriguez claimed he could not do anything because Plaintiff's membership records had been e-mailed back to Utah. Rodriguez is the Bishop for the Spring, Texas 77373 area, where Plaintiff was living. However, Plaintiff moved to Houston in January of 2010. Based upon where a person lives, they are automatically placed in a geographic "ward" of the Mormon Church.

10. Plaintiff moved to Houston 77026 in January of 2010. This meant he was under Bishop Gaston E. Mejia of the Melbourne Ward (ward unit #39780) (65 Melbourne St. Houston TX 77022). Plaintiff met with Bishop Mejia in July of 2010. Bishop Mejia never completed the "request for administrative action" and never forwarded it to the Houston North Stake President (16331 Hafer Rd 77090 - off FM 1960).

E. Cause of Action: Failure to Honor Request to Resign

11. Plaintiff incorporates herein by reference all allegations contained in paragraphs 1 through 12.

12. Defendants failure to remove Plaintiff's name from the membership records and to honor his request to resign from the Mormon Church is a violation of Plaintiff's First Amendment rights. And is a direct result of the Mormon belief that Mormonism is the only true religion. Mormons do not respect the religious freedoms of non mormons. Plaintiff asserts that this is the real reason the Mormon Church will not honor his request to resign.

F. Damages

13. As a direct and proximate result of Defendant's conduct, Plaintiff suffered the following injuries and damages:

- a. emotional pain and suffering
- b. all reasonable and necessary attorney's fees; and
- c. all reasonable and necessary costs incurred in pursuing this lawsuit.

G. Attorney Fees & Costs

14. Plaintiff is entitled to an award of attorney fees and costs under 29 U.S.C. §216(b).

H. Jury Request

15. Plaintiff requests a jury trial and tenders the appropriate jury fee in connection with the filing of this petition.

I. Prayer

16. For these reasons, Plaintiff respectfully requests this Court to :

a. Declare that Defendants have violated the First Amendment rights of Plaintiff;

b. Declare Defendants' violation of Plaintiff's First Amendment rights to be willful;

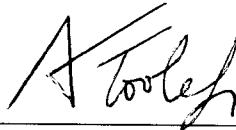
c. Sign a court order which orders the "Mormon Church" to fully remove Plaintiff's name from the Membership Records of the Church with a time limit specified by the Court or be held in contempt.

d. Award Plaintiff reasonable attorney's fees, costs, and expenses of this action, and

e. Award such other and further relief as may be required by law or in equity.

Respectfully submitted,

By: _____



Austin O'Toole, Jr.

P.O. Box 304

Houston, TX 77001

Tel. 281-352-9850

PLAINTIFF PRO SE

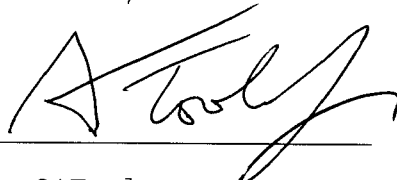
STATE OF TEXAS §

§

COUNTY OF HARRIS §

BEFORE ME the undersigned authority on this day personally appeared Austin O'Toole, Jr. who, by me first being duly sworn upon his oath deposed and stated he has read the foregoing "**PLAINTIFF'S ORIGINAL COMPLAINT - FEDERAL**" and that the facts and allegations contained therein are with his personal knowledge true and correct.

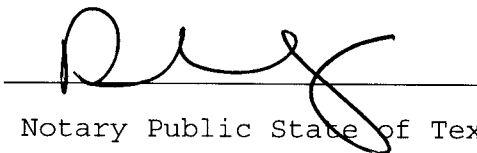
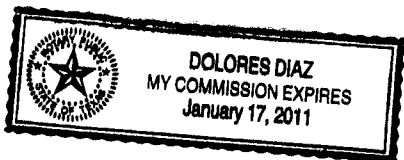
Signed this 30 day of the month of JULY
in the year 2010.



Austin O'Toole, Jr.

SIGNED AND SWORN to on the 30th day of the month of July in
the year 2010 to certify the within instrument.

NOW WITNESS my hand and official seal.


Notary Public State of Texas

APPENDIX

- Exhibit "S" - Aaronic Priesthood Certificate (9 July 2006)
- Exhibit "T" - Letter from Calvin Allred (11 July 2006)
- Exhibit "U" - Scriptural quotes taken from Mormon Scriptures (author: Joseph Smith)
- Exhibit "V" - First Resignation Letter (21 October 2009)
- Exhibit "W" - Reply Letter from Gregory Dodge (29 October 2009)
- Exhibit "X" - Pamphlet from the Mormon Church titled "An Invitation"
- Exhibit "Y" - Second Resignation Letter (31 December 2009)
- Exhibit "Z" - Third Resignation Letter (July 18, 2010)

EXHIBIT "S"

Aaronic Priesthood Ordination

This certifies that

Austin Martin Otoole

*was ordained to the office of Priest in the Aaronic Priesthood
in The Church of Jesus Christ of Latter-day Saints*

by Bill Moore,

whose priesthood office is High Priest, on 09 July 2006.

Braes Bayou Ward Houston Texas South Stake



Signature of bishop or branch president

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

EXHIBIT "T"

TEXAS HOUSTON SOUTH MISSION
4627 AUSTIN PARKWAY
SUGAR LAND TX 77479-2146
Phone 281-565-7117

July 11, 2006

Austin Martin Otoole Jr.
311 Highland Cross #1308
Houston, TX 77073

Dear Austin Martin Otoole Jr:

I would like to congratulate you on your recent baptism. I know that your choice to become a member of The Church of Jesus Christ of Latter-day Saints is pleasing to our Heavenly Father and will bring joy to your life. You have made a wonderful decision that will profoundly affect your life here on this earth and in the eternities to come.

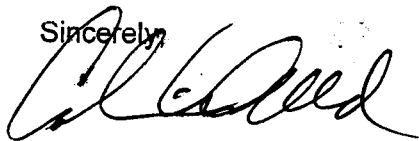
I know that Heavenly Father and Jesus Christ are pleased with you. I know that they love you and care about you and your life. I know that Heavenly Father hears and answers your prayers. I know that the Gift of the Holy Ghost, that you received when you were confirmed, can help you every day as you make choices so that you can do the things that Heavenly Father wants you to do.

Sister Allred and I feel happiness and joy for you. We would very much like you to write to us and tell us of your conversion and testimony, so that we may feel your spirit and see how accepting the gospel has affected your life. You may write your letter in Spanish or English, whichever you prefer. We look forward to hearing from you. Please mail it to my attention at the address listed above or give it to your missionaries who will send it to me.

The Gospel affects my life every day, and in every way. I know that God lives and that Jesus is the Christ. I love these missionaries who unselfishly give of themselves and their time to go out into the world to preach the gospel and share it with people like you.

May the Lord bless you.

Sincerely,



Calvin W Allred
President

Exhibit "U"

The following Exhibit is composed of self study research performed by the Plaintiff from August 2006 until June 2009. Consider the following controversial scripture quotes and references taken from the Mormon "Scriptures".

Count 1. What happened to "The Book of Lehi"?

"The Book of Lehi" was supposed to be the first book in the "Book of Mormon". However, Joseph Smith (the author of the Book of Mormon, "great prophet", and founder of Mormonism) let a friend borrow the first 116 pages of the Book of Mormon manuscript. The friend's wife hid the pages hoping to catch Joseph Smith making a second "translation" which would **not** be completely identical. Because, Joseph Smith simply made up the Book of Mormon as he dictated it to his associates, the second translation of the Book of Lehi **would** be different. Therefore, the "Book of Lehi" was left out from the Book of Mormon.

Count 2. What does the word "Mormon" mean anyway?

(Moroni 9:7) says, ". . . for according to the knowledge which I have received from Amoron." (A Moron?) Joseph Smith enjoyed changing a few letters around to make the names in the Book of Mormon more interesting. Mormon, Moroni, Amoron, and even Moron (Ether 1:7). (Mosiah 18:4) explains the meaning of the word "Mormon" when it states, "And it came to pass that as many as did believe him (the prophet Alma) did go forth to a place which was called **MORMON**, having received its name from the king, being in the borders of the land having been infested, by times or at seasons, by **WILD BEASTS**." So, the word Mormon is not an English word, it is a word from a foreign, perhaps alien, language which means "wild beasts". Then, what exactly does the expression "Book of Mormon" really mean? Perhaps it means "A book for Wild Beasts" or "A book for fools" or perhaps even "A book for Morons". Is it possible that Smith harbored such contempt for his own followers as to think of them as "morons"?

Count 3. Lost Records?

Mormon "scriptures" provide many references to "lost records". Consider the following: "And Alma spake (spoke) many more words unto the people, which are not written in this book" (Alma 13:31). Always a loophole to expand the fictitious story in the future.

Count 4. Catholicism?

Joseph Smith described the Catholic Church in this way: "And I saw gold, and silver and silks and scarlets and fine twined linen and all manner of precious clothing and I saw many harlots." (1 Nephi 13:7-8). Catholicism is called the "Great and Abominable Church", and "the Church of the Devil". In (Nephi 13:6) it states, "I beheld this great

and abominable church; and I saw the devil that he was the founder of it."

Count 5. Who do Mormons consider to be "the children of God"?

An ordinary Gentile, cannot be "saved" in the Mormon Church. But Mormons will not tell new members that when they first join the church. Salvation in the Mormon Church is only found in the "Celestial Kingdom". The Celestial Kingdom is also called "The Church of the Firstborn". (Doctrine and Covenants 76) states "celestial heirs are the Church of the Firstborn". Verse 106 states "telestial heirs will not be caught up to the Church of the Firstborn". (Doctrine and Covenants 88) says, "celestial glory is glory of the church of the firstborn." While (Doctrine and Covenants 93) says, "those who are begotten through Christ are the Church of the Firstborn". Joseph Smith claimed to be "Christ on Earth" and a "Living God and King".

Count 6. Can a Man be a God?

Do Mormons believe that God has a physical body? Consider (Ether 3:6) "And the veil was taken from off the eyes of the Brother of Jared and he saw the finger of the Lord and it was the finger of a man." (Alma 31:13) tells the story of the Rameumptom in which people erroneously stood on a platform and declared that God had no physical body.

Count 7. Jared's Brother

What was the true name of the "Brother of Jared"? The Brother of Jared was the first great prophet of the Mormon Records. In (Ether 12:30) he caused Mount Zerin to be "removed", yet his true name is omitted for some mysterious reason.

Count 8. (Doctrine and Covenants 132:54)

Too scandalous to be written here.

Count 9. Ziff (Mosiah 11:3)

"And it shall come to pass in due time that I will give this city into your hands, that you shall have power over it, insomuch that they shall not discover your secret parts; and its wealth pertaining to gold and silver shall be yours." (Doctrine and Covenants 111:4)

Count 10. (2 Nephi 5:21)

Too scandalous to be written here.

DEAR CHURCH MEMBERS,

THIS IS MY FORMAL RESIGNATION FROM THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS AND IT IS EFFECTIVE IMMEDIATELY. I HEREBY WITHDRAW MY CONSENT TO BE SUBJECT TO CHURCH RULES, POLICIES, BELIEFS, AND DISCIPLINE. AS I AM NO LONGER A MEMBER, I WANT MY NAME PERMANENTLY AND COMPLETELY REMOVED FROM THE MEMBERSHIP RECORDS OF THE CHURCH.

PLEASE PROMPTLY COMPLETE THE FORM "REQUEST FOR ADMINISTRATIVE ACTION" AND FORWARD IT TO THE STAKE PRESIDENT. YOU WILL NEED TO SEND ME A LETTER TELLING ME THAT YOU HAVE DONE SO, AND THAT THE STAKE PRESIDENT WILL HOLD THE FORM FOR THIRTY DAYS. I WILL NOT BE CHANGING MY MIND.

I HEREBY TESTIFY THAT: I HAVE GIVEN THIS MATTER CONSIDERABLE THOUGHT; THE CHURCH HANDBOOK STATES THIS MY RESIGNATION CANCELS THE EFFECTS OF MORMON BAPTISM AND CONFIRMATION, WITHDRAWS ANY AND ALL MORMON PRIESTHOODS, AND REVOKES AND DISSOLVES ANY AND ALL TEMPLE SEALINGS, AND THAT THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS IS NOT TRUE.

I AM A MEMBER OF THE HOUSTON TEXAS SOUTH STAKE UNDER PRESIDENT GIFFORD NIELSON AND THE BRAES BAYOU (YSA) WARD UNDER BISHOP SCOTT R. PETERSON. MY MEMBERSHIP NUMBER IS 0013-555-0181. MY CONFIRMATION DATE WAS JUNE 18, 2006.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED THIS 21 DAY OF OCTOBER, 2009

SIGNATURE: 

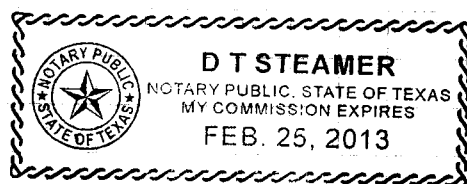
PRINTED NAME: AUSTIN M. O'TOOLE, JR.
3114 LORIKEET ST.
SPRING TX 77373-6661

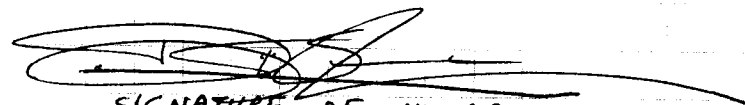
JURAT

STATE OF TEXAS §
COUNTY OF HARRIS §

ON 21st Day October 2009 BEFORE ME D. T. Steamer
THE UNDERSIGNED AUTHORITY, THIS DAY PERSONALLY APPEARED
AUSTIN M. O'TOOLE, JR. AND BY OATH STATED THAT THE FACTS
HEREIN STATED ARE TRUE AND CORRECT.

SWORN TO AND SUBSCRIBED BEFORE ME, NOW WITNESS MY
HAND AND OFFICIAL SEAL




SIGNATURE OF NOTARY

My Commission expires on:

FEB 25 2013

THIS DOCUMENT IS A RESIGNATION LETTER AND AN AFFIDAVIT.

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

EXHIBIT "W"

MEMBER AND STATISTICAL RECORDS DIVISION
50 East North Temple Street
Salt Lake City, Utah 84150-1010

October 29, 2009

Austin Martin O'toole Jr
3114 Lorikeet St.
Spring, Texas 77373-6661

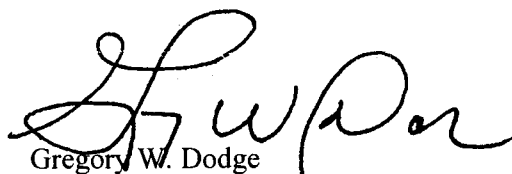
Dear Brother O'toole:

I have been asked to acknowledge your recent letter in which you request that your name be removed from the membership records of The Church of Jesus Christ of Latter-day Saints.

I have also been asked to inform you that the Church considers such a request to be an ecclesiastical matter that must be handled by local priesthood leaders before being processed by Church employees. Therefore, your letter and a copy of this reply are being sent to President Randy C. Tolman of the Houston Texas North Stake. He will have Bishop Nicholas A. Rodriguez of the Spring Ward contact you concerning the fulfillment of your request.

In view of the eternal consequences of such an action, the Brethren urge you to reconsider your request and to prayerfully consider the enclosed statement of the First Presidency.

Sincerely,



Gregory W. Dodge
Manager, Member and Statistical Records

Enclosure

GWD:ddb

Exhibit "X"



AN INVITATION

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

FROM THE FIRST PRESIDENCY
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS

© 2008 IRI. 4/08. 22505



An Invitation to Come Back

We reach out to members of the Church throughout the world in a spirit of love and brotherhood inspired by the Lord Jesus Christ.

Our interest and concern are always with the individual man or woman, boy or girl. Our great responsibility is to see that each is "remembered and nourished by the good word of God" (Moroni 6:4). If any have been offended, we are sorry. Our only desire is to cultivate a spirit of mercy and kindness, of understanding and healing. We seek to follow the example of our Lord, who "went about doing good" (Acts 10:38).

Come back. Stand with us.

*Feast at the table laid before you in
The Church of Jesus Christ of Latter-
day Saints and strive to follow the
Good Shepherd.*

To you who for any reason find yourselves outside the embrace of the Church, we say come back. We invite you to return and partake of the happiness you once knew. You will find many with outstretched arms to welcome you, assist you, and give you comfort.

The Church needs your strength, love, loyalty, and devotion. The course is fixed and certain by which a person may return to the full blessings of Church membership, and we stand ready to receive all who wish to do so.

Sincerely yours,

*Thomas S. Monson
Henry B. Eyring
Lester F. Hulthof*

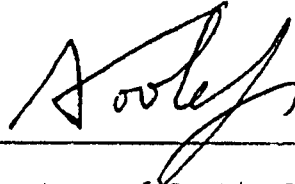
The First Presidency

Page 17

4. I believe the Book of Mormon is false and that Joseph Smith was a false prophet.
5. I believe the "General Authorities", the "First Presidency", and the "Prophet" Thomas S. Monson are false.
6. I believe the Mormon Church is not the only religious organization in the world which can "exercise priesthood keys." I believe there are many paths to salvation, each one found in a different faith. I believe the Mormon Church is not the only true religion.
7. I renounce my membership in the Mormon Church, Mormonism, and the Mormon Movement and decline to be further subject to their peculiar system of laws and treaties."

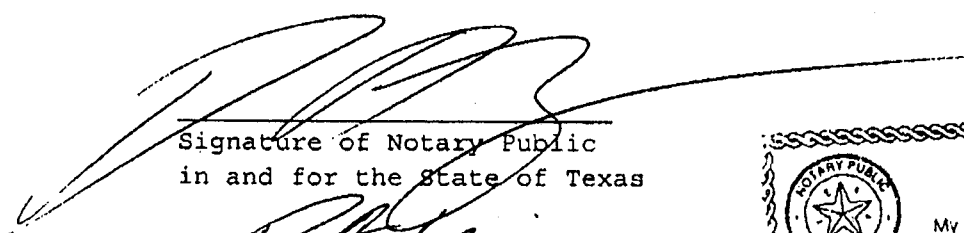
I hereby declare under oath that the foregoing is true and correct.

Executed this 31 day of December in the year 2009.



Signature of Austin O'Toole, Jr.

SUBSCRIBED AND SWORN BEFORE ME, on this 31st day of December in the year 2009



Signature of Notary Public
in and for the State of Texas

D.A. Lewis
Printed Name of said Notary

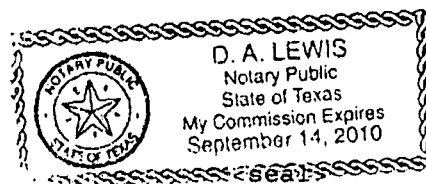


EXHIBIT "Z"

July 18, 2010

Bishop Gaston E. Mejia
2118 Nicholson Street
Houston, TX 77008

Melbourne Ward (Houston Texas North Stake)
Unit# 39780
65 Melbourne St.
Houston, TX 77022

Dear Bishop Gaston E. Mejia,

This is my third formal resignation letter from the Church of Jesus Christ of Latter Day Saints (hereinafter referred to as the "Mormon Church") and it is effective immediately. My first letter, which your organization neglected to honor, was dated October 21, 2009. I hereby withdraw my consent to be subject to church rules, policies, beliefs, discipline, and ecclesiastical courts. As I am no longer a member, I demand that my name be permanently and completely removed from the membership records of the Mormon Church.

I demand that you remove my name from the records of the Mormon Church as specified in the General Handbook of Instructions, 1989 edition, chapter eight, page four. These instructions to you state that you, as the bishop are to be certain that I understand the following: (1) Withdrawing a name cancels the effects of baptism (2) Withdraws the priesthood from a male member (3) suspends temple sealings and blessings. I do understand these things, and make this formal, written request that my name be removed from the records of the church. Therefore I demand that you complete the form "request for administrative action" and immediately forward it to President David Bertoch of the Houston Texas North Stake. Then please send me a letter telling me that you have done so. President David Bertoch will hold the aforementioned form for thirty days, before sending it to Salt Lake City. I expect to receive a letter from Membership Records informing me that my name has been removed from the records of the Mormon Church.

My baptism date was June 17, 2006. My membership number is 0013-555-0181. My confirmation date was June 18, 2006.

I have the right to resign from your church as precedent in *Guinn v The Church of Christ of Collinsville* (775 P. 2d. 766). My freedom of religion is further protected by the First Amendment. Refusal to remove my name is a form of harassment and an infringement of my civil rights.

Thank You,

Austin O'Toole, Jr.
P.O. Box 304
Houston, TX 77001

We feel uncomfortable giving your organization our address. We do not want to be harassed by the Missionaries. Nevertheless, we will say that we live in zip code 77026.

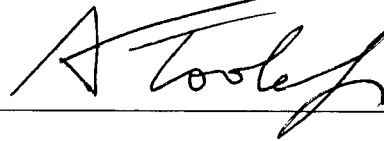
STATE OF TEXAS §

§

COUNTY OF HARRIS §

BEFORE ME the undersigned authority on this day personally appeared Austin O'Toole, Jr. who, by me first being duly sworn upon his oath deposed and stated he has read the foregoing "formal resignation letter from the Church of Jesus Christ of Latter Day Saints" and that the facts and allegations contained therein are with his personal knowledge true and correct.

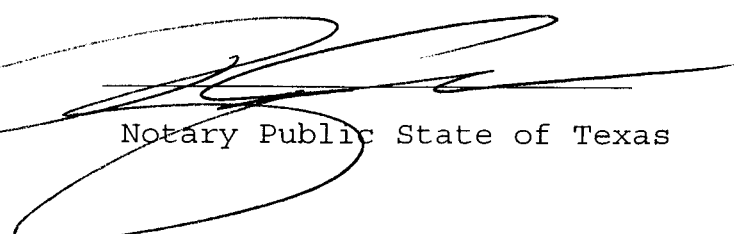
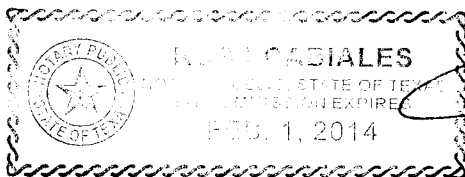
Signed this 18 day of the month of JULY
in the year 2010.



Austin O'Toole, Jr.

SIGNED AND SWORN to on the 18th day of the month of
July in the year 2010 to certify the within
instrument.

NOW WITNESS my hand and official seal.



Notary Public State of Texas

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

AUSTIN O'TOOLE, JR.

§

Plaintiff.

§

§

v.

§

CIVIL ACTION NO: _____

§

THE CHURCH OF JESUS CHRIST

§

OF LATTER DAY SAINTS

§

Defendant.

§

§

ORDER

On the ____ day of the month of _____ in the year 2010, came on consideration for the above styled cause. The court finds that Austin O'Toole, Jr. has a right to resign from the Church of Jesus Christ of Latter Day Saints (hereinafter the "Mormon Church").

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the "Mormon Church" permanently remove the name of Austin O'Toole, Jr. from their records and provide proof to this Court that it has been done within ____ days of the signing of this order.

IT IS FURTHER ORDERED that if Defendant does not remove Plaintiff's name within the above time limit, as ordered, said Defendant, "Mormon Church", will be held in contempt of this Court.

IT IS FURTHER ORDERED that costs of court be taxed against parties incurring the same.

SIGNED this ____ day of the month of _____ in the year
2010.

JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

By: _____

Austin O'Toole, Jr.

P.O. Box 304

Houston, TX 77001

Tel. 281-352-9850

PLAINTIFF PRO SE